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July 26, 2024

VIA ECF

The Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

*Re: In re Payment Card Interchange Fee and Merchant
Discount Antitrust Litigation*, No. 05-md-01720 (MKB) (JAM)

Dear Chief Judge Brodie:

We write on behalf of the parties in the Rule 23(b)(2) class action. Following the Court's denial of the Equitable Relief Class Plaintiffs' Motion for Preliminary Approval of Settlement, *see* ECF No. 9333, the parties have restarted settlement discussions and have engaged a mediator to aid in the process.

As the parties continue their efforts to resolve this action, we respectfully seek the Court's guidance in connection with scheduling a trial in this case to proceed in the event that those efforts are ultimately unsuccessful. After conferring about their respective commitments, including a trial already set for early January through mid-February, counsel for the parties jointly ask that the Court set trial in this matter for April-May of 2025, if that is possible for the Court. Plaintiffs seek a trial of four to six weeks, while Defendants believe that a total of eight weeks will be necessary to fully and fairly present their defenses. Based on the Court's availability, in accordance with Your Honor's Individual Practices and Rules, the parties will confer regarding interim deadlines and will file a proposed scheduling order(s) for the Court's consideration.

We are available to discuss these matters at the Court's convenience and stand ready to provide any further information that would be helpful to the Court.

Respectfully submitted,

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cc: All Counsel of Record (by ECF)